

REMARKS

Applicants submit this paper in response to the communication issued October 6, 2008. In that paper, the Office alleged that the reply submitted on April 25, 2008 “must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims (see claim 49), patentable over the any applied references.”

Telephonic Interview

On November 5, 2008, the undersigned conducted a telephonic interview with Examiner Felten. During that interview, the undersigned explained that the April 25th reply was filed in response to a restriction requirement and not in response to rejection of the claims. Accordingly, there are no pending rejections that require reply as suggested in the October 6, 2008. Examiner Felten agreed and suggested that the Applicant submit a paper to clarify the record. This paper is submitted for this purpose.

Response to Restriction

Applicants submit this paper in response to the communication of October 6, 2008, the Notice of Non-Compliant Amendment dated March 28, 2008, and the Restriction Requirement issued February 11, 2008.

Claims 1 through 48 are pending in the present application. Applicant proposes minor amendments to claims 3, 7, 12, 15, 20, and 47 in preparation for further examination. Applicant proposes adding claim 49. Claim 49 is dependent upon claim 6 and is novel for being dependent upon a novel independent claim. No new matter has been added.

The Office has issued a restriction requirement under 35 U.S.C. § 121 requiring election of one of three groups of claims. Applicants provisionally elects Examiner’s Group I (claims 1-7 and 10-26), for prosecution in the present application. Applicants respectfully submit that new claim 49 which depends from claim 6 should be examined with Examiner’s Group I.

This election is in no way an admission of the Office’s characterizations of the claims or the appropriateness of the Office’s groupings of claims. Applicants reserve the right to

DOCKET NO.: POPT-0004

PATENT

Application No.: 09/676,374

Communication Dated: October 6, 2008

prosecute the non-elected claims, as well as any other claims supported by the specification, in one or more subsequent patent applications.

Date: November 5, 2008

/John E. McGlynn/

John E. McGlynn

Registration No. 42,863

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439